

**U.S. Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy (DNA)
Transfer of Grazing Lease for Mulligan Lakes Allotment**

PREPARING OFFICE

U.S. Department of the Interior
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(DNA)
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Allotment**

DOI-BLM-CO-F02-2015-0007 DNA

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO**

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Chapter 1. Determination of NEPA Adequacy (DNA)

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U.S. Department of the Interior
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OFFICE: RGFO LLCOF02000

TRACKING NUMBER: DOI-BLM-CO-F02-2015-0007 DN

CASEFILE/PROJECT NUMBER: Grazing Record # 0505520 (Magness Land & Cattle.)and
Grazing Record# 05051815 (Eagle Rock Ranch, LLC)

PROPOSED ACTION TITLE/TYPE: Range – Grazing Lease Transfer and Renewal for Mulligan
Lakes Allotment #05720

LOCATION/LEGAL DESCRIPTION: T.9S., R.75W.,Sec. 4, 9, 10 Public Acres: 370

APPLICANT: Eagle Rock Ranch, LLC

A. Description of Proposed Action and any applicable mitigation measures

The transfer of grazing preference is conducted under Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 D (1). For NEPA analysis for permit issuance see part C below.

The proposed action is to transfer the authorization to graze livestock on public lands included in the Mulligan Lakes Allotment. The new lease/permit will expire after ten years. **Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.**

The base property for the Mulligan Lakes Allotment is owned by Magness Land & Cattle. Eagle Rock Ranch, LLC has leased the base property and has applied for the grazing lease for public land included in the Mulligan Lakes Allotment. The new lease will expire in ten years (2/28/2024).

The allotment has undergone internal interdisciplinary team review through Public Land Health Assessments conducted in 2006. The allotment is currently meeting public land health standards. In addition, the allotment was analyzed for permit renewal under BLM-CO-200-2007-0058 EA, conducted in September, 2007.

As per CFR 4130.3-3 the authorized officer may modify the grazing schedule, terms and conditions of the permits at any time during the term when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives.

B. Land Use Plan Conformance

LUP Name: Royal Gorge Resource Management Plan	Date Approved: 05/13/1996
Other Document: Final Livestock Grazing EIS	Date Approved: 1995
Other Document	Date Approved

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): 6-2, 6-4, C-30, & C-44

Decision Language:

6-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

6-4: Grazing is authorized on 123 allotments.

C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing Environmental Impact Statement. Continue to use allotment management plans (AMPs) on an interim basis until replaced with IAPs.

C-44: On single pasture allotments with season long spring/summer grazing, utilization will be held to the 40 to 60 percent range on forage species in lieu of a rest standard. This requirement will be on high elevation allotments where deferment or dormant season use is impractical because of deep snow and fencing the allotment into smaller units is uneconomical.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

BLM-CO-200-2007-0058 EA Term Grazing Lease Renewal

Date Approved: September 18, 2007.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessment 2006

Date Approved: September, 2006

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA documents. Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

*Chapter 1 Determination of NEPA Adequacy (DNA)
C. Identify applicable National Environmental Policy
Act (NEPA) documents and other related documents
that cover the proposed action.*

Yes. The RMP/EIS and EA considered a range of alternatives. The existing EA for permit renewal was conducted in 2007 and continues to be appropriate for current conditions. The EA included a proposed action alternative, a no action alternative, and a no grazing alternative that were analyzed in the document. The proposed action is described in this document. The no action alternative was analyzed as the “current management” of the allotments in the previous EA with no changes in terms and conditions. The no grazing alternative was analyzed as removal of livestock grazing from the allotment. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid in light of the 2006 Health Assessment, and no new issues concerning grazing have arisen on this allotment.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through monitoring of land health standards.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public scoping was conducted for the previous NEPA analysis. No issues were brought forward as a result of this scoping.

E. Persons/Agencies/BLM Staff Consulted

Note

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

REMARKS:

Cultural Resources:

Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories conducted within the allotment (CR-RG-15-087 R). Previous survey coverage accounts for 97.9 percent of the allotment area. Sites have been recorded within the allotment, and two resources require additional recording, documentation, and evaluation. The future site recording and evaluation will take place in FY15 under Cultural Resources project ID CR-RG-15-088 P. If the resources are determined eligible for inclusion on the National Register of Historic Places, BLM cultural resource staff will work

with range specialist, in consultation with the State Historic Preservation Office, to identify potential mitigation strategies.

Native American Religious Concerns:

Tribal consultation has been conducted for this allotment. BLM did not receive comments regarding areas of traditional or spiritual significance within the allotment. There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species:

There are no records of any federally listed or BLM sensitive species within or near the project area. The proposed action will not result in impacts to TES species.

MITIGATION:

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Christine Cloninger
Signature of Project Lead

Sara L. Dawson
Signature of Supervisor

/s/ Martin Weimer
Signature of NEPA Coordinator

/s/ Keith E. Berger
Signature of the Responsible Official

11/25/14
Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.